



\*228335 25 U.S.C.A. § 465

UNITED STATES CODE  
ANNOTATED  
TITLE 25. INDIANS  
CHAPTER 14—  
MISCELLANEOUS  
SUBCHAPTER V—  
PROTECTION OF INDIANS  
AND CONSERVATION OF  
RESOURCES

*Current through Pub.L. 109-169,  
109-173 approved February 15, 2006*

§ 465. Acquisition of lands, water rights  
or surface rights; appropriation; title  
to lands; tax exemption

The Secretary of the Interior is authorized, in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed \$2,000,000 in any one fiscal year: *Provided*, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona, nor in New Mexico, in the event that legislation to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, or similar legislation, becomes law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act or the Act of July 28, 1955 (69 Stat.

392), as amended (25 U.S.C. 608 et seq.) shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

CREDIT(S)

*(June 18, 1934, c. 576, § 5, 48 Stat. 985; Nov. 1, 1988, Pub.L. 100-581, Title II, § 214, 102 Stat. 2941.)*

<General Materials (GM) - References,  
Annotations, or Tables>

HISTORICAL NOTES

HISTORICAL AND STATUTORY  
NOTES

Revision Notes and Legislative Reports

1988 Acts. Senate Report No. 100-577, see 1988 U.S. Code Cong. and Adm. News, p. 3908.

\*228336 References in Text

This Act, referred to in text, is Act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under 25 U.S.C.A. § 461 and Tables.

Act of July 28, 1955, referred to in text, is Act July 28, 1955, c. 423, 69 Stat. 392, as amended, which is classified to 25 U.S.C.A. §§ 608 to 608c. For complete classification of this Act to the Code, see Tables.

Amendments

1988 Amendments. Pub.L. 100-581, § 214, added "or sections 608 to 608c of this title" following "sections 461, 462, 463, 464, 465, 466 to 470, 471 to 473, 474, 475, 476 to 478, and 479 of this title".

Payson Band, Yavapai-Apache Indian Reservation

Pub.L. 92-470, Oct. 6, 1972, 86 Stat. 783 provided:

"That (a) a suitable site (of not to exceed eighty-five acres) for a village for the Payson Community of Yavapai-Apache Indians shall be selected in the Tonto National Forest within Gila County, Arizona, by the leaders of the community, subject to approval by the Secretary of the Interior and the Secretary of Agriculture. The site so selected is hereby declared to be held by the United States in trust as an Indian reservation for the use and benefit of the Payson Community of Yavapai-Apache Indians.

"(b) The Payson Community of Yavapai-Apache Indians shall be recognized as a tribe of Indians within the purview



of the Act of June 18, 1934, as amended (25 U.S.C. 461 to 479 [sections 461, 462, 463, 464, 465, 466 to 470, 471 to 473, 474, 475, 476 to 478, and 479 of this title], relating to the protection of Indians and conservation of resources), and shall be subject to all of the provisions thereof."

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§ 467. New Indian reservations

The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: *Provided*, That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

CREDIT(S)

*(June 18, 1934, c. 576, § 7, 48 Stat. 986.)*

<General Materials (GM) - References,  
Annotations, or Tables>

HISTORICAL NOTES

HISTORICAL AND STATUTORY  
NOTES

References in Text

This Act, referred to in text, is Act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under 25 U.S.C.A. § 461 and Tables.

REFERENCES

CROSS REFERENCES

- Indian Revolving Loan Fund, funds to be administered as, see 25 USCA § 1461.
- Quitclaim of title to certain lands to Chilkat Indians in order for withdrawal of public lands for selection by village of Klukwan to be effective, see 43 USCA § 1615.
- Reservations in New Mexico and Arizona, creation and extension, see 25 USCA §§ 211 and 463a to 463c.
- Restriction of right of certain Indian tribes to lease lands in accordance with Indian constitution or charter adopted pursuant to this section, see 25 USCA § 396b.
- Right-of-way grant, consent of tribal officials, see 25 USCA § 324.
- Territories, colonies, or insular possessions of United States, and certain Indian tribes, application to, see 25 USCA §§ 473 and 473a.

\*228369 LIBRARY REFERENCES

American Digest System

Indians ⇨ 12.

Key Number System Topic No. 209.

ANNOTATIONS

NOTES OF DECISIONS

Discretion of Secretary 1  
Indians within subchapter 2

1. Discretion of Secretary

In absence of particular, recognizable Indian rights, trust responsibility of the United States toward Indians did not make mandatory the exercise of the discretionary statutory powers conferred on the President and the Secretary of the Interior with respect to national forest and Indian lands nor compel them to set aside lands in the Klamath National Forest as reservation lands for Karuk Indians or the Karuk Tribe. *Donahue v. Butz*, N.D.Cal.1973, 363 F.Supp. 1316. Indians ⇨ 12

2. Indians within subchapter

The Indian Reorganization Act of 1934 applies to the Mississippi Choctaws; reversing *United States v. John* (5th Cir.1977), 560 F.2d 1202. *U. S. v. John*, U.S.Miss.1978, 98 S.Ct. 2541, 437 U.S. 634, 57 L.Ed.2d 489, on remand 587 F.2d 683. Indians ⇨ 5; Indians ⇨ 7



\*228409 25 U.S.C.A. § 476

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*Current through Pub.L. 109-169,  
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§ 476. Organization of Indian tribes;  
constitution and bylaws and  
amendment thereof; special election

(a) Adoption; effective date

Any Indian tribe shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, and any amendments thereto, which shall become effective when--

(1) ratified by a majority vote of the adult members of the tribe or tribes at a special election authorized and called by the Secretary under such rules and regulations as the Secretary may prescribe; and

(2) approved by the Secretary pursuant to subsection (d) of this section.

(b) Revocation

Any constitution or bylaws ratified and approved by the Secretary shall be revocable by an election open to the same voters and conducted in the same manner as provided in subsection (a) of this section for the adoption of a constitution or bylaws.

(c) Election procedure; technical assistance; review of proposals; notification of contrary-to-applicable law findings

(1) The Secretary shall call and hold an election as required by subsection (a) of this section--

(A) within one hundred and eighty days after the receipt of a tribal request for an election to ratify a proposed constitution and bylaws, or to revoke such constitution and bylaws; or

(B) within ninety days after receipt of a tribal request for election to ratify an amendment to the constitution and bylaws.

(2) During the time periods established by paragraph (1), the Secretary shall--

(A) provide such technical advice and assistance as may be requested by the tribe or as the Secretary determines may be needed; and

(B) review the final draft of the constitution and bylaws, or amendments thereto to determine if any provision therein is contrary to applicable laws.

(3) After the review provided in paragraph (2) and at least thirty days prior to the calling of the election, the Secretary shall notify the tribe, in writing, whether and in what manner the Secretary has found the proposed constitution and bylaws or amendments thereto to be contrary to applicable laws.

\*228410 (d) Approval or disapproval by Secretary; enforcement

(1) If an election called under subsection (a) of this section results in the adoption by the tribe of the proposed constitution and bylaws or amendments thereto, the Secretary shall approve the constitution and bylaws or amendments thereto within forty-five days after the election unless the Secretary finds that the proposed constitution and bylaws or any amendments are contrary to applicable laws.

(2) If the Secretary does not approve or disapprove the constitution and bylaws or amendments within the forty-five days, the Secretary's approval shall be considered as given. Actions to enforce the provisions of this section may be brought in the appropriate Federal district court.



(e) Vested rights and powers; advisement of  
presubmitted budget estimates

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local governments. The Secretary shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Office of Management and Budget and the Congress.

(f) Privileges and immunities of Indian tribes;  
prohibition on new regulations

Departments or agencies of the United States shall not promulgate any regulation or make any decision or determination pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.

(g) Privileges and immunities of Indian tribes;  
existing regulations

Any regulation or administrative decision or determination of a department or agency of the United States that is in existence or effect on May 31, 1994, and that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes shall have no force or effect.

**\*228411 (h) Tribal sovereignty**

Notwithstanding any other provision of this Act--

(1) each Indian tribe shall retain inherent sovereign power to adopt governing documents under procedures other than those specified in this section; and

(2) nothing in this Act invalidates any constitution or other governing document adopted by an Indian tribe after June 18, 1934, in accordance with the authority described in paragraph (1).

**CREDIT(S)**

(June 18, 1934, c. 576, § 16, 48 Stat. 987; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Nov. 1, 1988, Pub.L. 100-581, Title I, § 101, 102 Stat. 2938; May 31, 1994, Pub.L. 103-263, § 5(b), 108 Stat. 709; Mar. 14, 2000, Pub.L. 106-179, § 3, 114 Stat. 47; Mar. 2, 2004, Pub.L. 108-204, Title I, § 103, 118 Stat. 543.)

<General Materials (GM) - References,  
Annotations, or Tables>

**HISTORICAL NOTES**

**HISTORICAL AND STATUTORY  
NOTES**

**Revision Notes and Legislative Reports**

1988 Acts. Senate Report No. 100-577, see 1988 U.S. Code Cong. and Adm. News, p. 3908.

2000 Acts. House Report No. 106-501, see 2000 U.S. Code Cong. and Adm. News, p. 69.

2004 Acts. House Report No. 108-374(Part I), see 2004 U.S. Code Cong. and Adm. News, p. 521.

**References in Text**

Act of June 18, 1934, referred to in subsec. (f), popularly known as the Indian Reorganization Act, is classified generally to subchapter V (§ 461 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

This Act, referred to in subsec. (h), means the Act of June 18, 1934, c. 576, 48 Stat. 984, as amended, popularly known as the Indian Reorganization Act, which is classified principally to this subchapter. For complete classification, see Short Title note set out under 25 U.S.C.A. § 461 and Tables.



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**§ 479. Definitions**

The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

**CREDIT(S)**

*(June 18, 1934, c. 576, § 19, 48 Stat. 988.)*

<General Materials (GM) - References,  
Annotations, or Tables>

**HISTORICAL NOTES**

**HISTORICAL AND STATUTORY  
NOTES**

**References in Text**

This Act, referred to in text, is Act June 18, 1934, which

is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under 25 U.S.C.A. § 461 and Tables.

**Admission of Alaska as State**

Admission of Alaska into the Union was accomplished Jan. 3, 1959 upon issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c. 16, as required by §§ 1 and 8(c) of Pub.L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding § 21 of Title 48, Territories and Insular Possessions.

**REFERENCES**

**CROSS REFERENCES**

Indian Revolving Loan Fund, funds to be administered as, see 25 USCA § 1461.

Quitclaim of title to certain lands to Chilkat Indians in order for withdrawal of public lands for selection by village of Klukwan to be effective, see 43 USCA § 1615.

\*228459 Restriction of right of certain Indian tribes to lease lands in accordance with Indian constitution or charter adopted pursuant to this section, see 25 USCA § 396b.

Right-of-way grant, consent of tribal officials, see 25 USCA § 324.

**CODE OF FEDERAL REGULATIONS**

Employment preferences defined, see 25 CFR § 5.1

**LAW REVIEW COMMENTARIES**

Crucible of sovereignty: Analyzing issues of tribal jurisdiction. Frank Pommersheim, 31 Ariz.L.Rev. 329 (1989).

Geographically-based and membership-based views of Indian tribal sovereignty: The Supreme Court's changing vision. Allison M. Dussias, 55 U.Pitt.L.Rev. 1 (1993).

**RESEARCH REFERENCES**

**ALR Library**

41 ALR, Fed. 425, Proof and Extinguishment of Aboriginal Title to Indian Lands.

21 ALR, Fed. 708, Validity, Construction, and Application of 18 U.S.C.A. § 1955 Prohibiting Illegal Gambling Businesses.

**ANNOTATIONS**

**NOTES OF DECISIONS**